

I was unable to attend the hearing in Monterey CA this past Wednesday, but as a resident of California's central coast for 25 of my 46 years, I wanted to comment on localism in broadcasting.

My perspective comes not just from being "local," by the way. I held an FCC First Class Radiotelephone License back in the time when that meant something, and I was a disc jockey and newsreader at many locally-owned (commercial and non-commercial) radio stations up and down the California coast during the period 1973-1986.

You have already heard, and will no doubt continue to hear, many voices that demand more regulation, especially in the area of broadcast ownership. "The FCC should favor minorities in granting licenses," they will say. Or, "the FCC should give preference to local owner/operators," etc.

I say something different. I do not believe that a political body, such as government, should be in the business of granting licenses to use the broadcast spectrum. The advance of technology and the experience of time have obviated the once persuasive theory that the broadcast bands are a scarce commons that need FCC stewardship. Many of the ownership consolidation problems we see today stem directly from the fact that you can't be a member of the broadcast owners' club without the FCC's approval. It is illegal for private individuals to purchase or build a respectably powerful transmitter, and then begin to broadcast in a previously empty part of the broadcast band, in order to serve their neighborhoods, towns, or local regions. Given the level of today's technology, such a thing could be done in the space of one day, for an expense of just a few hundred dollars (for radio, and only a little more expense for TV). The FCC, however, must grant prior approval to use a particular broadcast channel. This can involve months or years of delay, and much additional expense to deal with the bureaucratic requirements.

Those who do not follow the FCC's permitting and licensing procedures are labeled "pirates," and face harassment and fines, whether or not they provide valuable programming, or are scrupulous in their engineering to avoid interference with other stations. Perhaps worse, the FCC can license other, legal stations to operate on their channels, forcing the "pirates" to move on to another area of the band, or shut down. This was the choice recently faced by our own local pirate radio station, Free Radio Santa Cruz. They were lucky enough to find an unused frequency, further up the dial, when a newly-licensed station began to interfere directly with their signal. Someday in the future, they may not be so fortunate. Ironically, I hear some of Santa Cruz's most valuable, locally oriented programming on the pirate radio station.

The Low Power TV and FM services, and recent proposals to expand the latter service, have simply put band-aids on the problem. We don't need a government agency to allocate frequencies. We may need courts to resolve interference disputes (i.e., issues of electronic trespassing, vandalism, and nuisance). We might need a law that prohibits the sale of spectrum space, or that reverts spectrum space to "unclaimed" status unless the "owner" is actively engaged

in station operations (as opposed to absentee landlordship). What we don't need is a government agency that requires applicants to file voluminous applications, and that can bless or damn those applicants, based on criteria that change according to political pressure over the years.

We also don't need the granting or withholding of licenses, or a license-related authority to levy fines, as the basis for censorship of broadcast content. There are thousands of broadcast outlets, a number comparable to (and, according to some accounts, greater than) the number of general-audience daily and weekly newspapers in the country. Broadcasters must enjoy the full protection of the First Amendment to the Constitution and the rest of the bill of rights, just as the printed press outlets do. Local community standards, affecting local, individual decisions to listen or not listen, advertise or not advertise, subscribe or not subscribe, should provide the practical influence on each station's broadcast content.

After observing the evolution of broadcasting over the past 30 years, participating in the industry during much of that time, and giving the topic a great deal of thought, I am convinced that the goal of localism will be better served not by changing regulations concerning ownership, leaving the FCC in charge of broadcast licensing, but rather by relieving the FCC of its gatekeeper powers. As with the print press, anyone with the price of transmission equipment should be able to start broadcasting in a currently unused part of the spectrum. If the FCC retains a role in broadcasting, it should be to resolve interference disputes, and perhaps to help ensure that channel "owners" continue to be active developers of their spectrum space, rather than passive, rent-seeking "silent partners" or "absentee landlords." As a citizen, I challenge the FCC to promote true, optimum localism by opening the spectrum to all comers, letting marketplace forces (including vigorous competition) shape the character of the broadcast options that are available to the public in any particular geographic area.

Thank you for giving me and other citizens the opportunity to comment on this very important topic. Feel free to contact me if you require clarification of my views, or if you wish citizen input on practical steps that you can take in moving toward the broadcast situation I recommend. While I understand that existing station licensees, and lobbyists representing them, will protest the dissolution of the closed "broadcast owners' club," I hope the FCC -- and the federal government of which it is a part -- can focus on the needs of the public, long enough to at least give fair consideration to the challenges and opportunities of switching to a new allocation model that might actually achieve the goals of localism.